

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
NOVEMBER 23, 2010 MINUTES
MUNICIPAL COMPLEX
101 Washington Avenue
7:30 PM Executive Closed Session/8:00 pm Public Session**

1. Opening of the Meeting:

The meeting was called to order by Mayor Birkner at 7:30 pm. Mayor Birkner then read the Open Public Meetings Law Statement: "This meeting which conforms with the Open Public Meetings law, Chapter 231, Public Laws of 1975, is a regular Borough Council meeting. Notices have been filed with our local official newspapers and posted on the municipal bulletin board."

2. Roll Call:

Mayor Birkner – Present
Councilmember Grefrath - Present
Councilmember Phayre - Present
Councilmember Quinn - Present
Councilmember Sciara - Present
Councilmember Waneck - Present
Council President Miller - Present
Borough Administrator Hoffmann – Present
Borough Attorney Huntington - Present
Borough Clerk Hughes - Present

Committee Assignments:

Finance, Administration & Capital Projects
Public Properties
Health & Recreation
Fire & Ambulance
Land Use
Police & OEM

3. Executive Closed Session:

RESOLVED THAT the Mayor and Council of the Borough of Westwood shall convene in Executive Closed Session to discuss the following matters:

Personnel Matters
Pending/Potential Litigation
Attorney's Report

Said discussions are deemed legally confidential pursuant to NJSA 10:4-12(b)

- (7) Litigation or contract negotiation, attorney/client
- (8) Employment matters

The Clerk is directed to keep separate minutes of the meeting which shall be made public Once that matter has been resolved.

Motion to enter Closed Session with the intention to reconvene in Open Session: Councilmember Sciara Second: Councilmember Waneck

Roll Call: Councilmember Grefrath - Yes
Councilmember Phayre - Yes
Councilmember Quinn - Yes
Councilmember Sciara – Yes
Councilmember Waneck - Yes
Council President Miller – Yes

4. Reopen the Meeting:

Motion to reopen the meeting: Councilmember Sciara

Second: Council President Miller

Voice Vote: A voice vote was taken with all present voting in the affirmative.

The time was 8:05 pm.

5. Roll Call II:

Mayor Birkner – Present
Councilmember Grefrath - Present
Councilmember Phayre - Present
Councilmember Quinn – Present
Councilmember Sciara - Present
Councilmember Waneck - Present
Council President Miller - Present
Borough Administrator Hoffmann – Present
Borough Attorney Huntington - Present
Borough Engineer Senkevich - Present
Borough Clerk Hughes – Present

6. Flag Salute

Council President Miller gave the invocation. Mayor Birkner led those present in the salute to the flag.

7. Reports of Committees and Officials:

A) Mayor's Report

1) Dedication of Post Office

Mayor Birkner reminded everyone that this Saturday, November 27th, at 11 am the Westwood Post Office will be renamed in honor of Marine Christopher Hrbek. He urged everyone to attend. Westwood Avenue will be closed between Fairview and Kinderkamack for the ceremony.

2) Westvale Park

Mayor Birkner announced that Westvale Park is nearing completion. Lights will be erected next week. He commented on how marvelous the park is looking.

3) HUMC

Mayor Birkner reported that HUMC officials continue to work on legal issues regarding the Certificate of Need and reopening of hospital.

4) Irvington Street NJDOT Project

Drainage and concrete work on Irvington Street has been completed. Paving will be done the week of December 6th.

5) Shared Services

Mayor Birkner advised that the Pascack Valley Administrators are working on shared leaf disposal. This past week at the League of Municipalities conference, Mayor Birkner had the honor of moderating a shared service session at which Mr. Hoffmann was a presenter.

6) Regional Stream Cleaning

The Waterway Management Task Force has received approved regional stream cleaning permit. This will allow multiple municipalities to coordinate desnagging and desilting along the Pascack and Musquapsink brooks to alleviate flooding. Mayor Birkner thanked the District 39 legislators for their help.

7) Sustainable NJ

Mayor Birkner announced that Westwood has been awarded the Bronze Certification for Sustainable NJ. The award was received at the League of Municipalities conference. He noted that many people were responsible, and took a lot of hard work from everyone. Mayor Birkner especially thanked Administrative Secretary Lorraine Flannery for all her outstanding work on the project. Mrs. Flannery was asked to come forward and join Councilmember Waneck and Mayor Birkner to officially receive the plaque on behalf of the Borough.

B) Engineer's Report

1) Bi-weekly Report

Dr. Boswell reviewed the bi-weekly report, a copy of which is attached.

2) Pascack Brook Sewer Repair

Councilmember Grefrath asked if the entire sanitary sewer project would wrap up soon. Dr. Boswell said all that is needed is electric power for the meter, and the project is otherwise wrapped up except the planting in spring. Councilmember Grefrath is looking for a date for closing out the project. He also asked when it will be known if the carbon filters are working. Dr. Boswell said warm weather will tell. The actual problem was because the cover was not properly installed, which pulled the odor out. When that was fixed the carbon filter probably was no longer necessary, however, it was still installed. Dr. Boswell sees it as remediated, but will have to wait and see. Councilmember Grefrath asked if there would be additional costs if the filter doesn't work. Dr. Boswell doesn't see how it couldn't work. Councilmember Grefrath is just looking from the financial standpoint of closing out the ordinance. Dr. Boswell advised that the changeout on the filter is greater than a year. Councilmember Sciara asked if the DPW will maintain it. Dr. Boswell said the licensed operator for Westwood, which is Rick Woods, would change the filter. Mr. Huntington asked if the Borough should hold retainage until the filter is proven. Dr. Boswell stated the contract is fulfilled, and this is outside the contract.

3) Westvale Park

Mayor Birkner asked the status of the pistol range remediation application. Mr. Senkevich thinks it was submitted. Dr. Boswell will update at the next meeting

Councilmember Waneck said the manhole cover in the dog run is higher than she expected. There is only a thin veneer of chips over it, which could be a trip hazard. Dr. Boswell said he

could adhere a non-stick surface to it, something to increase friction across the surface. Councilmember Waneck noted that when the Borough decided to relocate the dog run to this site, she had asked about moving the original landscaping. She was told it would transfer along the edges. However, now there is no planting along the dog run, it is still at original site. Dr. Boswell said plantings were installed as per plan, which was when the dog run was there. The landscaping acts as a buffer between fields. Councilmember Waneck said screening was supposed to go with the dog run, as well as benches which are not there. Dr. Boswell will check site meeting minutes.

Dr. Boswell distributed Estimate #6 and Change Orders #1 and 2, copies of which are attached hereto. He reviewed the quantities and costs on each document.

Mrs. Hughes announced that the recording system was not working. There was a brief recess to allow her to set up the backup system.

Mayor Birkner noticed several people present in the audience who might have questions for the Borough Engineer regarding the Pascack Brook sewer. He asked for a motion to open the floor to the public for this topic only.

Motion to open the floor to the public for Engineer questions: Councilmember Sciara Second: Councilmember Waneck

Voice Vote: A voice vote was taken with all present voting in the affirmative.

No one wished to be heard

Motion to close the public hearing: Councilmember Sciara

Second: Councilmember Phayre

Voice Vote: A voice vote was taken with all present voting in the affirmative.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Adoption of Minutes: September 21, 2010

Motion to adopt the September 21 Work Session minutes: Councilmember Grefrath

Second: Council President Miller

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

Councilmember Grefrath wished everyone a Happy Thanksgiving.

2) Police and OEM:

Council President Miller wished everyone a Happy Thanksgiving.

3) Fire and Ambulance:

a) Fire Department Update

Councilmember Sciara announced that the Fire Department held their annual fundraiser motorcycle raffle on Sunday.

b) League of Municipalities Conference

Councilmember Sciara reported that he attended the annual League of Municipalities Conference last week. Seminars he attended included Sustainable NJ, legal decisions affecting municipal government, information technology, and the luncheon where the Lieutenant Governor addressed attendees. The conference was informative, and he brought information back for some departments.

c) Regional EMS

Councilmember Sciara explained that the Borough has received a proposed contract for the County to provide a backup system for ambulance services. It was referred to the Westwood Volunteer Ambulance Corps for review. Councilmember Sciara read into the record the request from WVAC to not sign the agreement. A copy of the letter is attached hereto. Mayor Birkner pointed out that mutual aid between the local ambulance corps is the original shared service between municipalities. Councilmember Phayre explained MIC COM responders.

4) Public Properties:

a) DPW Update

Councilmember Phayre announced that leaf pickup will end the first week of December.

5) Land Use:

a) Amend Ordinance Regarding LB1 & LB3 Zones

Councilmember Waneck reminded everyone that several months ago the Governing Body discussed the need to address uses in the LB3 zone because of empty lots where car dealerships were located. The goal was to increase uses while remaining sensitive to neighboring R1s and not drawing from downtown business. Proposed changes to the LB1 zone would only adding item #3 to the uses, which is retail stores of certain size, but no box stores. LB1 remains the only area zoned for fast food with a drive through. The proposed

LB3 is adding a number of different uses, many of which carry over from the LB1 zone. Items #2-10 were added. Councilmember Waneck explained that the big change in the LB3 zone is that mixed use will be permitted, but limited to residential on the top floor and businesses on the second floor. If there is mixed use, buffers would be increased because of the R1 zone. Also added is adult senior daycare, which is becoming popular use. Those are the major changes.

Pertaining to the LB3 ordinance, Councilmember Phayre asked if sections 3 and 4 are add ins or adjustments. Councilmember Waneck replied that there has never been mixed use or adult senior daycare permitted, so they are totally new.

b) Sustainable NJ Award

Councilmember Waneck commented she also attended the Sustainable NJ session with Councilmember Sciara. There are many good ideas that she will bring to the Environmental Committee. Councilmember Sciara said one suggestion made at the Sustainable NJ session was for farmers markets. He noted the LB3 zone would now permit a farmers market use. He asked if that would be a permanent or temporary market. Councilmember Waneck explained that it would be seasonal. She noted that a farmers market is high on the Environmental Committee's list, but rain barrels are first.

6) Health and Recreation:

a) Bergen County Hospice

Councilmember Quinn attended the Bergen County Hospice tree lighting ceremony at Atlantic Stewardship bank. Residents can add an ornament to the tree in memory of a loved one. She advised that the Hospice is close to opening but needs staff.

D) Attorney's Report

No report.

E) Administrator's / Clerk's Report

1) Proposal for Train Station Heat

Mr. Hoffmann discussed the proposal from Hodges and Sons Plumbing for heat in the train station. Council President Miller voiced his concern that this item is being rushed and should have been on a work session for discussion. Mr. Hoffmann reviewed the exchanges between the Borough and NJ Transit. A meeting on November 4 regarding the train station heat was cancelled by NJ Transit, at which time they informed Mr. Hoffmann that NJ Transit would not be paying for installing a heating system. Council President Miller emphasized that the matter should have been brought to the Governing Body's attention at the November 9 work session. Councilmember Waneck would like to push NJ Transit to provide the heating system. Mayor Birkner pointed out that the train station needs heat.

A discussion was held on the type of heating system being installed. Mr. Hodges was present

and was asked to explain his proposal. He informed the Governing Body that the boiler would still be used to heat the bathrooms. A gas fired radiant tube heater would be installed to heat the main room. A ceiling heater would be installed in the Heritage Society storeroom.

It was decided a resolution approving the work would be placed on the consent agenda.

2) CDBG for Playground

Council President Miller asked the status of the CDBG grant for the Westvale playground. Mr. Hoffmann said it has been submitted, but there has been no meeting yet on it.

3) Recodification Update

Mrs. Hughes reported that the final draft of the code book for review would be arriving next week.

8. Agenda/Public Forum:

Motion to open the Agenda/Public Forum: Councilmember Sciara

Second: Council President Miller

Voice Vote: A voice vote was taken with all present voting in the Affirmative.

No one wished to be heard.

Motion to Close the Agenda/Public Forum: Councilmember Sciara

Second: Council President Miller

Voice Vote: A voice vote was taken with all present voting in the affirmative.

9. Ordinances of First & Final Reading:

Ordinances For Introduction

10-28 An Ordinance to Amend Chapter 65C, Land Use and Development Regulations of the Borough of Westwood Section 65C-112 Entitled Limited Business District 1

BE IT RESOLVED that Ordinance #10-28 entitled "An Ordinance to Amend Chapter 65C, Land Use and Development Regulations of the Borough of Westwood Section 65C-112 Entitled Limited Business District 1" is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with a December 21st hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Waneck

Second: Councilmember Grefrath

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes
Councilmember Quinn - Yes
Councilmember Sciara - Yes
Councilmember Waneck - Yes
Council President Miller – Yes

10-29 An Ordinance to Amend Chapter 65C, Land Use and Development Regulations of the Borough of Westwood Section 65C-112.2 Entitled Limited Business District 3

BE IT RESOLVED that Ordinance #10-29 entitled “An Ordinance to Amend Chapter 65C, Land Use and Development Regulations of the Borough of Westwood Section 65C-112.2 Entitled Limited Business District 3” is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with a December 21st hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Waneck

Second: Councilmember Grefrath

Roll Call: Councilmember Grefrath - Yes
Councilmember Phayre - Yes
Councilmember Quinn - Yes
Councilmember Sciara - Yes
Councilmember Waneck - Yes
Council President Miller – Yes

10-30 An Ordinance To Amend Chapter 65C-121 Of The Borough Code, Said Ordinance Being Entitled “Wireless Telecommunications, Towers And Antennas”

BE IT RESOLVED that Ordinance #10-30 entitled “An Ordinance To Amend Chapter 65C-121 Of The Borough Code, Said Ordinance Being Entitled “Wireless Telecommunications, Towers And Antennas”” is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with a December 21st hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Waneck

Second: Councilmember Grefrath

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes
Councilmember Quinn - Yes
Councilmember Sciara - Yes
Councilmember Waneck - Yes
Council President Miller – Yes

Ordinances on Final Hearing

10-26 An Ordinance To Amend Section 65C-119, Nonconforming Uses, Structures Or Lots

BE IT RESOLVED that Ordinance #10-26 entitled “An Ordinance To Amend Section 65C-119, Nonconforming Uses, Structures Or Lots”, having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Waneck Second: Councilmember Sciara

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes
Councilmember Quinn - Yes
Councilmember Sciara - Yes
Councilmember Waneck - Yes
Council President Miller – Yes

Public Comments:

JayMee Hodges, 40 Second Avenue, Planning Board Chair – advised that the majority of the Planning Board feels this is something that will help relieve resident anxiety from storm damage, fire, or other act, and to facilitate replacing what has been damage. Mr. Hodges noted the ordinance has been written properly to help the homeowner. These events do not happen to frequently, but this will be an aid to the residents.

Motion to close the public hearing: Councilmember Phayre

Second: Councilmember Grefrath

Voice Vote: A voice vote was taken with all present voting in the affirmative.

BE IT RESOLVED that an Ordinance known as #10-26 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

Motion for final adoption: Councilmember Waneck Second: Councilmember Grefrath

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes
Councilmember Quinn - Yes
Councilmember Sciara - Yes

Councilmember Waneck - Yes
Council President Miller – Yes

10-27 An Ordinance of the Borough of Westwood, in the County of Bergen, New Jersey, Amending Ordinance #09-05 of the Borough Finally Adopted March 17, 2009, Providing for an Expansion of the Purposes and Amendment of the Useful Life Set Forth Therein

BE IT RESOLVED that Ordinance #10-27 entitled “An Ordinance of the Borough of Westwood, in the County of Bergen, New Jersey, Amending Ordinance #09-05 of the Borough Finally Adopted March 17, 2009, Providing for an Expansion of the Purposes and Amendment of the Useful Life Set Forth Therein”, having hereby been read by title, shall have a hearing held on this date.

Councilmember Grefrath explained that this ordinance amends the purpose of the Pascack Brook sewer repair bond ordinance to include Westvale Park.

Motion to open the public hearing: Councilmember Grefrath

Second: Councilmember Phayre

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

Public Comments:

No comments.

Motion to close the public hearing: Councilmember Phayre

Second: Councilmember Waneck

Voice Vote: A voice vote was taken with all present voting in the affirmative.

BE IT RESOLVED that an Ordinance known as #10-27 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

Motion for final adoption: Councilmember Grefrath

Second: Councilmember Phayre

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes
Councilmember Sciara - Yes
Councilmember Waneck - Yes
Council President Miller – Yes

10. Presentation of Bills, Financial Reports and Resolutions:

Mayor Birkner advised that the following Resolutions would be enacted in one motion. Councilmembers who wished to remove any Resolution(s) to be voted upon separately, had the opportunity to do so at this time, and said Resolutions would be considered separately. Resolutions “d”, “e”, and “f” were added at this time.

Councilmember Phayre asked Mr. Hodges for an explanation of the work required on the Borough Hall boilers. Mr. Hodges reviewed the problematic history of the Borough Hall boilers, one of which was taken out of service last year. The other broke down several weeks ago, and while it is back up and running it is not working as it should. Mr. Hodges’ proposal is for new pumps with a better life expectancy.

Council President Miller asked for resolution “f” to be voted on separately.

Councilmember Waneck asked if the ordinances being cancelled are a result of the directive to the CFO to find money for Westvale. She also asked there are more cancellations to be expected. Councilmember Grefrath explained that this is a good start. He will ask if there are more to come. He understands that there are some ordinances with grants attached that are not being cancelled.

Resolutions as Consent Agenda:

- a) Resolution #10 - 280: Bill List & Statement of Cash**
- b) Resolution #10 – 281: Authorize Purchase & Repairs of Boiler Room Pumps**
- c) Resolution #10 - 282: Pancreatic Cancer Awareness Month**
- d) Resolution #10 - 283: Cancellation of Capital Ordinance Balances**
- e) Resolution #10 - 284: Authorizing Proposal to Provide Technical Expert Assistance**

Motion to adopt resolutions #10-280 through #10-284: Councilmember Grefrath

Second: Council President Miller

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

f) Resolution #10 - 285: Authorizing the Repair of the Train Station Heating System

Motion to adopt resolution #10--285: Councilmember Grefrath

Second: Councilmember Sciara

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre – Yes. He wanted more time to review the matter, but the Borough needs to address heat in the station. Councilmember Phayre wants to ensure the Borough has exhausted every effort to have NJ Transit pay for the heating system.

Councilmember Quinn – Yes.

Councilmember Sciara - Yes

Councilmember Waneck - Yes. She noted this is not part of the energy audit, so the Borough is not entitled to anything for improving efficiency. Mr. Hoffmann agreed. Mayor Birkner wondered if it would qualify for points under Sustainable NJ.

Council President Miller – No. He stated his vote has nothing to do with the quality of work, the need for heat, or the obligation issues. It has all to do with the process. Council President Miller stressed it is unacceptable to have financial items brought in at the last moment. This was known previously and should have been discussed at a work session so answers could have been obtained. The Borough needs to slow down spending decisions and get answers. His complaint is with forcing financial decisions. Mayor Birkner pointed out that the item could have been pulled off the agenda and held for two weeks while the questions were researched. Council President Miller said that was not an option.

11. Adjournment:

Motion to adjourn: Councilmember Sciara

Second: Councilmember Miller

Voice Vote: A voice vote was taken with all present voting in the affirmative.

The time was 9:59 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk